CHRISTIAN SCIENCE MONITOR

APR 23 1964

Colonel Abel: Spy and Client

Strangers on a Bridge: The Case of Colonel Abel, by James B. Donovan. New York: Atheneum. $6.95.

By Ernest S. Pisko

What could be more fascinating than watching a fierce legal battle fought all the way up to the Supreme Court?

What could be more exciting than following a true-life spy story in which the wits of the FBI are pitted against those of the Soviet Union's intelligence network?

What could be more useful than a refresher course in American constitutional law, especially the Fourth Amendment which guarantees the "right of the people [living in the United States, citizens and non-citizens alike] to be secure in their person . . . against unreasonable searches and seizures" without warrant?

The bridge of the title is the Glienicker bridge in Berlin between the city's eastern and western halves. There, on a cold, misty February morning in 1961, Mr. Donovan shook hands first with Soviet Colonel Rudolf Ivanovich Abel returning to his homeland and, a few minutes later, with Francis Gary Powers, U-2 pilot, coming back to the United States.

Colonel Abel had spent four years in American prisons and Powers less than one year in Soviet prisons. Each had been convicted of spying for his respective country; Abel's sentence had been 30 years, Powers' ten.

The story of Abel could, paraphrasing a current best-seller, be called "The Spy Who Was Pushed Out of the Warmth." For he had built for himself a cozy place in New York. Arriving there in 1948, for nine years he had pursued his espionage assignment unsuspected. He spoke English fluently with a slight British accent; he lived a modest, somewhat withdrawn life, made a few friends among American middle-class people, posed as photographer and amateur painter.

None of his friends would have believed that he was a high-ranking member in the intelligence section of the Soviet secret police. He had every reason to feel safe and to expect to be recalled in a year or two to join his wife and daughter, both of whom he badly missed.

It could have happened that way. Nobody would have known of his activities in this country if it had not been for Reino Hayhanen, another Soviet spy, who was sent to New York in 1952 as assistant to Colonel Abel.

Hayhanen was the most unlikely spy ever to appear in a spy story. As one of the FBI investigators said: "That guy couldn't get a job as a spy in a Marx Brothers movie." He was everything he should not have been and did everything he should not have done. He was a drunkard, a bigamist, an embezzler, a liar, a loudmouth—in short, an intelligence agent of glaring unintelligence. And he was a traitor. Unwilling ever to go back to Moscow where he was in for an unpleasant reception from both his superiors and his first wife, he gave himself up to the FBI and named Colonel Abel as his boss. A few weeks later Abel was arrested.

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The arrest, however, was not for espionage but for illegal immigration. Obviously, the FBI hoped that during the 57 days they held him incommunicado in a Texas jail they could persuade Abel to follow Hayhanen's example. They offered him freedom and $10,000 if he consented to work for them, or at least to tell them all about his own work and the Soviet foreign intelligence apparatus. Since Abel refused to tell them anything and since a search in his workshop had yielded enough evidence for an airtight case, he was officially charged with espionage against the United States, and the Brooklyn Bar Association asked Mr. Donovan to defend him.

Mr. Donovan — not to be confused with Maj. Gen. William J. Donovan with whose Office of Strategic Services he had been associated during the war — accepted. He was fully aware that he was taking on a difficult and unpopular job, and he stipulated that his fee would be donated to charity.

A study of the indictment showed Mr. Donovan that Abel, if convicted, faced a possible death sentence. Abel's story of the arrest and its aftermath brought out what was to become the court battle's main legal point. By seizing the suspect and his property under the Alien Deportation Act without a search warrant constituted a violation of the Fourth Amendment. By dropping its original charge when Abel refused to cooperate, ignoring everything that had gone before and then attempting to convict Abel of a capital crime in open court would, in Mr. Donovan's view, be "paying lip service to our 'due process of law.'"

This was such a strong point that it took the Supreme Court two sessions before it upheld — with four judges dissenting — the 30-year sentence the lower court had imposed on Abel.

The preparations for the trial and its course are described by Mr. Donovan in detail and with consummate skill. But together with the story of a spell-binding courtroom duel there is the engrossing story of the human relation between the Soviet spy and his defense attorney and the respect they developed for each other. And there remains the fact, dominant throughout the somber, dramatic, and amusing incidents, that the real battle was fought not to save an admitted spy from just punishment but to uphold a fundamental concept of American justice. Although Mr. Donovan lost the duel, he made this point effectively.

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Abel, who read treatises on higher mathematics as others read mystery stories, was a model prisoner. He never gave up hope that some day he would be exchanged. That opportunity came with the Soviet capture of Mr. Powers. In order to get Abel back, the Soviets freed Powers and Frederic L. Prior, a young Yale student whom the East Germans had arrested on espionage charges.

Hayhanen was killed in a mysterious car crash in 1961. Accidentally or not, he shared the fate of several other Soviet citizens [illegible] considered dangerous or superfluous.